EUB

Energy and Utility Development Applications and the Hearing Process

January 2003

Alberta Energy and Utilities Board

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Energy and Utility Development Applications and the Hearing Process

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ALBERTA ENERGY AND UTILITIES BOARD
Guide 29: Energy and Utility Development Applications and the Hearing Process

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1 Introduction

1.1 About This Guide

This guide explains the process used by the Alberta Energy and Utilities Board (EUB/Board) to determine whether applications for energy projects, resource development, or utility facilities will be approved or denied. (A comprehensive list of the facilities and developments to which this guide applies is in Appendix 1.) The primary purpose of the guide is to assist members of the public whose rights may be directly and adversely affected by a decision of the EUB. The guide is also helpful to other parties, such as regional public groups, new companies, and new industry staff, who are not familiar with all aspects of the regulatory decision process.

However, the guide does not deal with the process used for utility rate applications. Note that this guide does not introduce any additional regulatory requirements for applicants or interveners. Its sole purpose is to provide information on the EUB's hearing process for interested parties.

1.2 Purpose of the EUB

The EUB was created in 1995 as the result of a merger between the Energy Resources Conservation Board and the Public Utilities Board. The EUB is a quasi-judicial provincial agency that regulates the safe, responsible, and efficient development of the province's energy resources and utilities. These include oil, natural gas, oil sands, coal, and electrical energy, as well as the pipeline and transmission lines required to move these resources to market. The EUB ensures that the discovery, development, and delivery of Alberta's resources take place in a manner that is fair, responsible, and in the public interest. Other governmental departments are also involved in energy and utility developments. For instance, if your concerns regarding a project relate solely to matters of compensation, you should bring those concerns to the attention of the Surface Rights Board. (See Appendix 2 for further details.)

1.3 Organization of the EUB

The EUB operates throughout Alberta. Locations include the head office, in Calgary, two offices in Edmonton (one housing part of the Utilities Branch and the other the Alberta Geological Survey), and eight Field Centres located in areas of high energy activity in Alberta, in Bonnyville, Midnapore, Drayton Valley, Grande Prairie, Medicine Hat, Red Deer, St. Albert, and Wainwright, as well as suboffices in Fort McMurray and High Level. (See Appendix 2 for contact information.) In Calgary, the EUB also operates its Core Research Centre.

The EUB's Board consists of up to nine people: a Chairman and Board Members, all of whom are appointed by the Alberta government. There are over 700 employees at the EUB. These include administrative, technical, and professional staff with expertise in such areas as geology, engineering, economics, and law.

2 The Rules of Practice

The EUB's *Rules of Practice* is quite similar to a road map in that it provides directions for any type of proceeding before the EUB. The *Rules of Practice* explains how and what must be done when a participant is faced with a variety of situations before, during, and after a proceeding. The Board expects all applicants and participants in EUB matters to be familiar with the *Rules of Practice*.

In August 2001, the Board revised its *Rules of Practice* to include provisions on prehearing meetings, hearings, information requests, technical meetings, settlement meetings, and the filing of written evidence. The revisions also help ensure consistency throughout EUB proceedings.

The *Rules of Practice* has five main parts:

- General Matters
- Commencement of the Proceedings
- Hearings
- Review and Rehearing
- Costs

The *Rules of Practice* is available on the EUB Web site <www.eub.gov.ab.ca> and from EUB Information Services (see Appendix 2).

3 Preapplication Stage—Public Disclosure and Consultation

The EUB believes that everyone potentially affected—landowners, occupants, local residents, communities, local governments, nongovernment organizations, and companies—must work together in an open and honest manner from the beginning of an energy or utility project's development throughout the application process and, should it be approved, throughout the project's life. Effective communication must take place between industry and the public, with all parties working cooperatively. The Board's public consultation requirements are detailed in the various guides listed in Appendix 2. However, the guides do not direct the manner in which the consultation process is to be carried out, but it must be genuine, timely, thorough, and open.

The EUB is obliged to treat all parties fairly. Persons whose rights may be directly and adversely affected by a proposed project are entitled to receive notice of the application, learn details about the proposal, and communicate any concerns and objections regarding the application to the EUB. The EUB expects industry to have completed its public involvement and communication activities (its participant involvement program) prior to submission of any application, so that concerns and objections may be raised, properly addressed, and, if possible, resolved.

The EUB has set out minimum geographical public notification and consultation requirements to be met by a company prior to filing an application. The public consultation requirements vary based on the type of project proposed. Appendix 2 lists the EUB guides that deal with various types of applications. In many cases, applicants consult with additional parties beyond those in the minimum required radius. The EUB expects applicants to do more, rather than less, when considering who may be affected by an energy or utility application.

As part of the consultation process, a company provides those persons and organizations, if any, who may be directly and adversely affected by its proposed project with details

concerning its application. The company must then indicate on the final application if there are outstanding concerns of landowners or occupants arising from the public consultation.

If you are involved in such a consultation process, you should ensure that you carefully read all information from the company before you consent to a proposed project.

4 The Application Process

4.1 The Application

A company must receive regulatory approval from the EUB prior to initiating most energy activities that could have an impact on the public, land use, environment, conservation, and equity. These activities include drilling a well, constructing a pipeline or a facility, and initiating a significant depletion plan, such as enhanced recovery or reduced spacing. The company must first consult with the public about the proposed project. Once public consultation has been completed, the company is ready to make an application. Section 19 of the EUB's *Rules of Practice* and the guide for the type of application outline what information must be contained within an application. The following information must be included in every application:

- a description of the approval, permit, or licence applied for;
- the grounds on which the application is made;
- a reference to the act and section under which the application is made;
- a description of the facts relevant to the application;
- a description of the public consultation process;
- any other information necessary to provide the EUB with a full and complete understanding of the application; and
- whether there are any outstanding landowner/resident concerns.

Upon receipt of an application, the EUB reviews it to ensure that it is complete. If the application is incomplete, EUB staff contact the company and request the missing information. The EUB may dismiss the application if the company does not supply the requested information or if the application is grossly incomplete.

If there are no outstanding concerns or issues between the company and landowners/residents relating to the application and the proposal is technically sound, ensures public safety and environmental protection, and is otherwise in the public interest, the EUB will process the application routinely and may approve the application without a public hearing.

If you wish to know the status of an application filed with the EUB, you may check the Integrated Application Registry (IAR) on the EUB's Web site at <www.eub.gov.ab.ca>. If you know specific information about an application, such as the location of the proposed project or the company involved, you may also find out about the application by calling the EUB at (403) 297-4369* for facility applications, (403) 297-2591* for utility development applications, and (403) 297- 6957* for resource applications. (See Appendix 1 for information on the type of application you are dealing with.) Furthermore, you may file a letter with the EUB outlining any concerns you may have about an application. (See Appendix 2 for contact information.)

* To call the telephone numbers given in this guide toll free from anywhere in Alberta, dial 310-0000 and enter the phone number, including area code, or press zero for a Rite operator.

To illustrate how a concerned member of the public acts as an intervener in the application and hearing process, the story of fictional John and Martha Smith is presented alongside the related sections of this guide.

John and Martha Smith reside in southeastern Alberta on a half section of land that John inherited from his father. John and Martha own the land on which they live and farm. Their farming operations consist of growing crops, such as wheat, barley, and corn. Last year, they decided to start raising llamas. After some thought, they purchased several llamas in March.

In April of this year, representatives from the ABC Company personally consulted with John and Martha regarding a pipeline that the company was planning to build across a portion of their land. Other portions of the pipeline will be built on their neighbours' lands. The pipeline is to carry sweet natural gas to tie into an existing gathering system owned by the ABC Company. During this initial meeting, the representatives provided an information package to the Smiths, including a description of the project, as well as a letter from the EUB outlining the materials that the ABC Company was to provide to the Smiths. As they learned more about the proposed project, the Smiths became concerned about the location of the proposed pipeline and the effects the proposed pipeline and its construction would have on their crops and their animals and about the safety of the pipeline. The Smiths would like the route of the pipeline to be changed.

A few days later, representatives from the ABC Company visited the Smiths' home again to discuss the proposed pipeline with John, Martha, and their neighbours. They provided the residents with a general description of the proposed project, the company's reasons for its choice of location for the pipeline, and details on the proposed construction schedule and method of construction. The Smiths voiced their concerns regarding the effects the proposed pipeline could have on their farming operations and themselves. They also explained that they were not happy with the route of the proposed pipeline.

The representatives discussed these concerns and explained that the ABC Company would like to obtain permission to enter onto each owner's land for construction and maintenance of the pipeline. The Smiths continued to have reservations about the pipeline project, and no agreement about proposed changes to the pipeline route was reached. The meeting ended with the representatives explaining that the ABC Company would be applying to the Alberta Energy and Utilities Board (EUB) for approval to construct the proposed pipeline. The representatives also explained that the ABC Company would inform the EUB that landowners had outstanding concerns about the application.

The following week, the Smiths received a package from the ABC Company that included details of the application it had filed with the EUB.

4.2 Notice of Application

If the application states that there are outstanding concerns between the company and the landowners/residents or if the EUB wants to ensure that no such concerns exist, the EUB may issue a notice of application. The notice is mailed directly to local parties who have expressed an interest in the application and may be placed in relevant local newspapers and in the Calgary and Edmonton newspapers.

A notice of application

- briefly describes the subject matter of the application;
- provides the date by which statements in support of or opposition (objection) to the application must be filed;
- explains that the EUB may grant the application without a hearing if no objections are filed by persons considered by the EUB to be directly and adversely affected by the proposed project;
- provides information for contacting the applicant and explains where and when you may view or obtain a copy of the application, if you do not already have one; and
- contains any other necessary information.

In May, the Smiths received the following Notice of Application from the EUB:

EUB Alberta Energy and Utilities Board

NOTICE OF APPLICATION
APPLICATION NO. 123456789
ABC COMPANY

Take Notice that the Alberta Energy and Utilities Board (the EUB) may continue to process this application without further notice if no submissions are received on or before **June 30, 2002.**

Nature of the Application
By letter dated April 15, 2002, the ABC Company applied to the EUB, pursuant to Part 4 of the *Pipeline Act*, for approval to construct and operate a pipeline segment located in Section 16, Township 19, Range 11, West of the 4th Meridian. The pipeline segment would tie in an approved well to the existing ABC Company sweet gas gathering system.

Any party who objects to the application should file their submission on or before June 30, 2002.

Additional Information
To obtain additional information or a copy of the application, contact:
The ABC Company
123 – 46 Avenue SW
Calgary, Alberta T1Y 2Z3
Attention: Ms. A. Brown
Telephone: (403) 123-4567
Fax: (403) 123-4568

Copies of the application are available for viewing at the EUB's Calgary office at the address indicated below:
Alberta Energy and Utilities Board
Information Services
1st Floor, 640 - 5 Avenue SW
Calgary, Alberta T2P 3G4
Telephone: (403) 297-8190
Fax: (403) 297-7040

For information about EUB procedures, contact the Facilities Application Group,
Attention: Application Coordinator, Telephone: (403) 555-5555

To File a Submission

Any party wishing to file a submission should do so in writing, setting out their name, address, and reasons for objecting to the application by **June 30, 2002**. Send one copy to the ABC Company at the address indicated above and one copy to the EUB, Facilities Application Group, 640 – 5 Avenue SW, Calgary, Alberta T2P 3G4, Attention: Application Coordinator.

Issued at Calgary, Alberta, on May 10, 2002.

ALBERTA ENERGY AND UTILITIES BOARD
Michael J. Bruni, Q.C., General Counsel

4.3 Filing Concerns about the Application

Persons or organizations who may be directly and adversely affected if the Board approves an application may file their concerns in writing (letter format is acceptable) with the EUB. The submission should also be provided to the applicant. It must include

- the application number;
- your name, address or legal land description, telephone number, and, if available, e-mail address;
- a description of how the proposed project may directly and adversely affect you or your concerns about it;
- if you are represented by another party, the name of that party, as well as his/her address, telephone number, and if available, fax number and e-mail address;
- if you are a group or an organization, a contact person for the organization and a description of how the organization or its members may be directly and adversely affected by the project; and
- any other information that may be helpful to the EUB in making its decision.

5 Assistance from the EUB

EUB staff are available to assist you by providing information regarding the application process. Staff can also provide assistance in dispute resolution and further explain the hearing process.

5.1 Staff Facilitation

EUB staff are always available to help the applicant and interested parties to understand each other's interests and concerns and, if possible, facilitate resolution of outstanding differences. This "field facilitation" is an informal process designed to enhance communication, identify common interests, and explore possible solutions. The process may occur any time after an interested party has registered his or her concerns about an application. The EUB staff who participate in field facilitation have dispute resolution training and are generally from one of the EUB's eight Field Centres or from the Facilities Application Group. For more information about field facilitation, contact the appropriate Field Centre at the numbers provided in Appendix 2 or the Facilities Application Group at (403) 297-4369.

5.2 Appropriate Dispute Resolution

The EUB's Appropriate Dispute Resolution (ADR) program may be used to deal with concerns raised at the application stage for proposed facilities or for modification to existing facilities. ADR may also be used in disputes relating to the operation of existing facilities. Disputes may be between the public, landowners, and stakeholders on the one hand and a company on the other or between competing companies. The main intention of the ADR program is to assist interested parties to develop a clear understanding of concerns and issues, discuss the interests, and then develop options for resolution. With the assistance of an independent person, parties will meet and try to resolve the dispute between them.

Participation in ADR is voluntary, but the EUB strongly encourages parties to at least attend a Preliminary ADR Meeting with a mediator and EUB staff to discuss process and procedures to deal with the dispute or conflict. The Preliminary ADR Meeting is usually of limited duration and nominal cost. The fees of a service provider and/or mediator and

associated direct costs are typically covered by the industry applicant in public-to-industry disputes. In industry-to-industry disputes, the parties usually share the service provider and mediator costs and each covers its own additional costs.

ADR will not resolve every situation, but the process creates an opportunity for potentially affected parties to seek mutually acceptable solutions. Participation does not preclude access to an EUB hearing or diminish the rights of parties.

The ADR program is detailed in EUB *Informational Letter (IL) 2001-1: Appropriate Dispute Resolution (ADR) Program and Guidelines for Energy Industry Disputes* (see Appendix 2). Additional information on the use of ADR and program results are also contained on the EUB Web site <www.eub.gov.ab.ca>. Questions regarding the ADR program may be directed to the ADR coordinator or to members of the stakeholder committee listed on the Web site.

5.3 Information Sessions

If an application has been set down for a public hearing, staff from the EUB's Legal Branch (403-297-8259), the Facilities Applications Group (403-297-4369), the Utilities Branch (403-297-2591), and the Resources Applications Group (403-297-6957) are available to answer any questions you may have regarding the EUB's hearing process. Prior to the hearing or prehearing meeting, EUB staff may also travel to the area of the proposed project in order to explain the hearing process in greater detail to interested parties. The merits of the application will not be discussed at these information sessions.

EUB staff will attempt to identify where information sessions would be useful for the public. If you believe your community group would benefit from such a discussion, contact the designated Application Coordinator.

6 Triggering the Hearing Process

If you are a person, organization, or company who shows through a written submission that your rights may be directly and adversely affected if the Board approves a proposed energy or utility development and you have been unable to resolve outstanding concerns with the company through sincere negotiations or ADR, you may trigger a public hearing. The party seeking to trigger a hearing must provide information to the Board to show that it has rights that may be directly and adversely affected by the Board's decision on the application. The Board does not deal with disputes related to surface rights agreements.

The EUB examines each submission on a case-by-case basis to determine the potential impacts on the person(s) in question and takes into account the following factors:

- Does the proposed project have the potential to affect safety or economic or property rights? Examples of such impacts include negative effects from contaminants in water, air, or soil or from noise; negative interference with livelihood or commercial activity on the land; damage to property; and concerns for the safety of persons or animals.
- Are you affected in a different way or to a greater degree than members of the general public?
- Are you able to show a reasonable and direct connection between the activity complained of and the rights or interests you believe to be affected?

If the Board determines that you may be directly and adversely affected by its decision, it considers that you have standing to appear at the hearing.

Once a hearing has been triggered, other interested parties, including parties who may not have standing, may participate in the hearing. Parties who do not have standing but participate in the hearing will not qualify for costs. Note that if the party that triggers the hearing withdraws from the hearing and no other party has standing, the Board may grant the application and cancel the hearing.

6.1 Notice of Hearing

If the EUB decides that it is necessary to hold a hearing to consider the application, it issues a notice of hearing directly to all persons and organizations potentially directly and adversely affected by the application to inform them of the hearing and allow them to file their submissions with the EUB. A notice may also be published in the local newspaper to inform the general public. After considering input from the participants, the EUB decides whether the hearing will be oral or written.

The notice for a public hearing

- briefly describes the subject matter of a hearing;
- indicates the date, time, and place of the hearing;
- details any filing deadlines that the EUB feels are appropriate in the circumstances;
- indicates if the hearing will be held by the EUB Board or an examiner panel;
- indicates the name and address of the applicant or its representative;
- indicates where copies of the application and other documents supplied in support of the application may be viewed or obtained, and
- requires the provision of any other information that may be helpful to the EUB.

If you are unable to meet any deadline as described in the notice, you should contact EUB staff as soon as possible to seek an extension of the deadline.

For many projects, notices are published in community newspapers; for others, publication is limited to major dailies. Notices are also sent to other government agencies.

6.2 Filing a Submission in Support of an Intervention

A person, group of persons, association, or company other than the applicant that wants to participate in a hearing must file a written submission, called an intervention, with the EUB and provide a copy to all parties participating in the proceeding. If you feel your original submission to the Board contains all the information required to fully support your intervention, a second submission may not be necessary. However, it will be necessary to write to the Board to advise that you will not be filing another submission.

If you would like to file a further submission, it must be in writing (a letter is acceptable) and contain the following information:

- a short statement indicating how the intervener's rights may be directly and adversely affected by a decision of the Board with regard to the proposed project;
- if the submitter is a group or an organization, a contact person and a description of how the organization or its members may be directly and adversely affected by the project;

Because the Smiths were dissatisfied with the location chosen for the pipeline, they decided to object to the application. Following is their submission letter sent to the EUB:

June 1, 2002

Alberta Energy and Utilities Board
Facilities Application Group
640-5 Avenue SW
Calgary, Alberta T2P 3G4

Attention: Application Coordinator

RE: Our Objection to Application #123456789, an Application by the ABC Company for Approval to Construct and Operate a Pipeline

Dear Application Coordinator:

We are writing this letter to inform the EUB that we oppose Application #123456789, which is an application by the ABC Company for approval to construct and operate a pipeline. A portion of the proposed pipeline will be built under our land. We own and farm NW 16-19-11W4M and NE 16-19-11W4M.

We oppose this application because we disagree with the proposed route of this pipeline. We believe that the pipeline is too close to the crops we grow. In fact, part of the pipeline is scheduled to go right across one of our crop fields. Currently we grow barley, wheat, and corn for commercial sale. We are worried that the pipeline will affect the growth of our crops and, in turn, hurt our livelihood.

We also oppose this proposed pipeline because we are concerned about the effects that the pipeline's construction and its operations will have on the health of our animals. We raise llamas for commercial sale. We also are concerned about the safety of the pipeline.

As a result of our concerns, we ask that the EUB not grant approval of this pipeline application.

Please forward any further correspondence regarding this matter to the following address:

John and Martha Smith
Box 100
Patricia, Alberta T3H 2Y6
Tel: (403) 370-8954

Yours truly,

John and Martha Smith

- the submitter's location in relation to the project;
- a brief description of what issues the submitter intends to address;
- a brief description of what outcome the submitter is seeking and the reasons why this outcome is desired;
- the facts the submitter intends to show in evidence;
- the names of any expert witnesses the submitter intends to present at the hearing, and a description of the evidence, including any written reports, the expert will provide (see Section 8.2 on Expert Witnesses);
- a description of what efforts, if any, were made to resolve the areas of disagreement between the parties prior to the proceeding; and
- the name, address, telephone number of the submitter.

Submissions should contain all the information that you think relates to the application, since the Board can only make a decision based on the information presented in the

submissions and at the hearing. It is important that all relevant information be provided to the Board and other parties prior to the hearing.

Any submissions made to the Board are public information. This includes personal information, such as your mailing address, telephone number, e-mail address, health information, and financial information, as well as any agreements or arrangements that you have made with the applicant prior to or in the course of the hearing. If you wish to have some of this information be confidential, you may make a request for confidentiality to the Board by way of a letter that explains why the information should be kept confidential. (See the *Rules of Practice* for more information on confidentiality requirements.)

The notice of hearing states the number of copies of the submission required to be filed. These may be filed with the EUB by personal delivery, courier service, regular mail, fax, or e-mail. Once the submissions are filed, the Board examines them and may ask for additional information or further written submissions from the intervener.

Once the applicant has received a copy of an intervener's submission, the applicant must provide the intervener with a copy of the application, if it has not done so already, as well as any documents supplied to the EUB in support of the application and any material filed with the EUB as documentary evidence.

6.3 Information Requests

A party may request the other party to provide it with further information necessary to fully understand the other's position. This is called an information request (IR). IRs are generally intended to

- clarify the evidence already filed;
- simplify the issues in dispute; and
- permit a complete understanding of the matters to be considered by the Board.

Section 27 of the *Rules of Practice* (see Appendix 2) outlines the procedure for making an IR. IRs must be in writing, dated, contain specific questions that clearly specify the information sought, and be filed and served in accordance with the *Rules of Practice*.

When a party receives an IR, it must prepare a response that

- states the question(s) asked;
- provides a full and complete response to each question; and
- identifies who prepared the response to the IR.

If a party served with an IR is unwilling or unable to provide a full and complete response, it must provide the requesting party with reasons why the information is unavailable or why it is unwilling to provide the information requested. The requesting party may ask that the Board make a decision as to whether the information should be provided.

Following the submission of their objection letter, EUB staff contacted the Smiths and discussed alternative options, such as ADR, including mediation, that were available to them and the ABC Company to settle their dispute over the application. The Smiths and the ABC Company were not able to resolve their dispute, so the application was scheduled to proceed to a hearing.

EUB Alberta Energy and Utilities Board

NOTICE OF HEARING
APPLICATION NO. 123456789
APPLICATION FOR APPROVAL TO CONSTRUCT AND OPERATE A PIPELINE
ABC COMPANY

Take Notice that the Alberta Energy and Utilities Board (EUB) will hold a public hearing of Application No. 123456789 at the Laurier Hotel, 340 – 6 Avenue, Brooks, Alberta, **commencing at 1:00 p.m. on September 6, 2002**. All interveners to this proceeding must be present at the commencement of the hearing to register their appearance.

Nature of the Application
Application No. 123456789
The ABC Company has applied to the EUB, pursuant to Part 4 of the *Pipeline Act*, for approval to construct and operate a pipeline segment located in Section 16, Township 19, Range 11, West of the 4th Meridian. The pipeline segment would tie in an approved well to the existing ABC Company sweet gas gathering system.

Additional Information
To obtain additional information or a copy of the application, contact:
The ABC Company
123 – 46 Avenue SW
Calgary, Alberta T1Y 2Z3
Attention: Ms. A. Brown
Telephone: (403) 123-4567
Fax: (403) 123-4568

For information about EUB procedures, contact: Facilities Application Group
Attention: Application Coordinator, Telephone: (403) 555-5555.

Copies of the application are available for viewing at the EUB's Calgary office at the address indicated below:
Alberta Energy and Utilities Board
Information Services
1st Floor, 640 - 5 Avenue SW
Calgary, Alberta T2P 3G4
Telephone: (403) 297-8190
Fax: (403) 297-7040

To File a Submission
Any person intending to file a submission with respect to the hearing of Application No. 123456789 shall file on or before **August 29, 2002**. Send one copy of your submission to the applicant at the name and address above and ten copies of the submission to the attention of
Application Coordinator
Alberta Energy and Utilities Board
640 – 5 Avenue SW
Calgary, Alberta T2P 3G4

Notes
Any submission filed shall contain information detailing
i) the desired disposition of the application,
ii) the facts substantiating the position of the submitter, and
iii) the reasons why the submitter believes the Board should decide in the manner advocated.

In accordance with the Alberta Energy and Utilities Board *Rules of Practice*, all witnesses must give evidence under oath or affirmation.

If no submissions are received, this hearing may be cancelled and the EUB will proceed with the disposition of the application without further notice.

Submissions relating exclusively to compensation for land usage are not dealt with by the EUB, but may be referred to the Alberta Surface Rights Board.

Issued at Calgary, Alberta, on July 31, 2002.

ALBERTA ENERGY AND UTILITIES BOARD
Michael J. Bruni, Q.C., General Counsel

A copy of John and Martha Smith's submission for the hearing:

August 15, 2002

Alberta Energy and Utilities Board
Facilities Application Group
640-5 Avenue SW
Calgary, Alberta T2P 3G4

Attention: Application Coordinator

RE:Submission for the EUB Hearing Regarding Application No. 123456789, an Application by the ABC Company for Approval to Construct and Operate a Pipeline

Dear Application Coordinator:

This letter represents our submission to the Board in the hearing regarding Application No. 123456789. We have owned and farmed NW 16-19-11W4M and NE 16-19-11W4M for the last 26 years. Our residence is located in LSD 10-16-19-11W4M.

We request that the Alberta Energy and Utilities Board deny approval for this Application to the ABC Company.

There are a number of reasons for our request. First, we disagree with the proposed route that the pipeline will take across our land. We currently grow wheat, barley, and corn on various areas of our land, which we sell commercially. We believe that the close proximity of the pipeline to these crops will affect their growth significantly. We understand that a portion of the pipeline is scheduled to be built directly across the field where we grow our wheat. We believe that the construction of this portion of the pipeline will damage our wheat crops. As a result, we will suffer a financial loss. Attached to this letter are some photographs that show the field where we grow our wheat. We have marked the photos with the proposed route of the pipeline.

On our farm, we also raise llamas for commercial sale. We are concerned that the construction and operation of the pipeline will disrupt their normal daily routine. For example, the pasture where the animals graze will be disrupted during construction. The construction of the pipeline will be very noisy and our land will be very busy with construction people. During construction, our land will become an unsuitable environment in which to raise llamas. Attached to this letter is a report from Dr. Kevin Schneider, our veterinarian, supporting our concerns that our animals may be harmed. We have used Dr. Schneider's services in the past, as he is an expert on llamas.

Finally, we are concerned about the impacts of the construction of the pipeline and its operation on our safety. We are also concerned because of the close proximity of the pipeline to our house.

Again we ask that the Board deny the ABC Company's application for this pipeline to be built as it has proposed. We understand the necessity for the pipeline to be built, but we believe that it should be built using an alternative route. Attached is a diagram that we have drawn proposing another route for the pipeline to take across our land. This new route is farther away from our home and does not go through any of our crop areas. Nor would this alternative route disrupt the grazing area of our llamas.

We plan to attend the hearing into this matter and look forward to having the opportunity to explain our position orally to the Board.

Yours truly,

John and Martha Smith
Attachments

7 Prehearing Meetings

The Board may hold a prehearing meeting in accordance with Section 30 of the *Rules of Practice*. Generally, prehearing meetings are held to ensure that when the hearing commences, it will be as efficient and effective as possible. A prehearing meeting is often useful for an application with complex issues. The prehearing meeting enables interveners to understand and become comfortable with the hearing process. During the prehearing meeting, procedural matters are addressed, but not the merits of the application. A prehearing meeting may be held at the direction of the Board or at the request of one, some, or all of the parties.

A prehearing meeting may be held for any of the following purposes:

- to determine what issues will be raised at the hearing
- to determine what position participants will take
- to consider matters such as costs (see Section 11)
- to identify the need and use of third-party consultants and their terms of reference
- to consider what procedures will be used at the hearing
- to consider if participants would benefit from a settlement meeting
- to set the date, time, and place for a public hearing
- to fix the time to be allotted to each party to present evidence and argument
- to decide any other matter that may simplify the hearing and provide for a more efficient process

Generally, a prehearing meeting follows the same format as a hearing before the Board. An agenda is usually prepared for the meeting. A panel of the Board opens the meeting, explains what procedures will be followed, and outlines the issues to be discussed. They then ask interested parties to register as participants. This requires all participants to identify themselves to the panel and indicate who they represent—are they representing themselves, their family, a group of individuals, or others?

Following this, the applicant is provided with an opportunity to present its views on the issues outlined by the Board or any other issue it wishes to raise before the hearing. The EUB staff and panel members then have an opportunity to ask the applicant questions about the matters raised.

Next, the interveners or their representatives, usually lawyers, each have an opportunity to present their positions on the matters outlined by the Board or raised by the applicant, as well as on any other matters they believe relate to the hearing. Again, EUB staff and the panel may ask interveners or their lawyer questions to clarify their position. Following the interveners, the applicant is provided with a final opportunity to present its position. After hearing from all the parties, the Board Panel closes the prehearing meeting. Within days or weeks after the close of the prehearing, the Board provides a written memorandum of decision regarding the prehearing meeting to all participants.

8 Preparing for the Hearing as an Intervener

In order for the Board to fully understand your position as an intervener, whether in support of or in opposition to the application, careful preparation of your case is essential. If you intend to have a lawyer represent you, you need to choose your lawyer early in the process and ensure that he or she has a clear understanding of your position. If you do not intend to hire a lawyer to represent you at the hearing, then the following are some of the things you should do in preparation for the hearing:

- Familiarize yourself with the EUB's hearing process.
- Review the submissions of the other participants to understand their positions and to identify where you may avoid duplication of your arguments or unnecessary conflict.
- If you intend to cross-examine the applicant or other participants, prepare your questions in advance.
- Practise your oral testimony in advance, and think about answers to some possible questions that you may be asked in cross-examination.
- If you intend to call other witnesses in support of your position, prepare your questions for these witnesses.
- Meet with your witnesses in advance and prepare them for the hearing by going through a "dry run" of their testimony, that is, asking them the same questions that you will ask at the hearing.
- Prepare your final arguments to the Board, as this is a summary of your position.
- Consider applying for advance determination of "local intervener" status. (See Section 11 on Costs.)

8.1 Lawyers

Although there is no requirement that a lawyer represent a party during the prehearing meeting and the hearing, having a lawyer represent your interests may be a good idea. The Board's public hearings are in some ways like a civil case before a judge. Lawyers are trained to present a client's case, cross-examine the other side's witnesses, address procedural and evidentiary issues, and make arguments on what the decision should be. Some lawyers specialize in regulatory matters and can familiarize you with the EUB's hearing process. Lawyers can also assist in retaining experts, if they are needed to present your case.

8.2 Expert Witnesses

Expert witnesses may be used to present certain aspects of an intervener's case, as well as to rebut evidence presented by the other participants. Geologists, veterinarians, biologists, and engineers are some of the types of expert witnesses that have appeared before the Board in the past. Expert witnesses give evidence based on their opinion, which is formed through their knowledge (academic and practical) and experience of a subject. In order to have a witness be considered an expert, the participant has to provide the Board with the credentials of the witness and explain why the witness's evidence should be accepted as expert testimony.

Interveners are not required to present their evidence by the use of expert witnesses but you may want to hire an expert to support your case if your evidence is technical and involves complex issues.

9 The Hearing

9.1 Overview of a Hearing

EUB hearings are open to the general public to observe the proceedings without participating. All parties who might be directly and adversely affected by an application and any other party who is interested in the application and can contribute to the proceeding may participate in the hearing. A public hearing is not a meeting; it is a legal proceeding to which rules and procedure apply so that the Board may receive evidence and argument on the relevant issues raised by an application. The hearing allows

interveners to highlight the matters they have presented in their written submissions. Before any individual may testify at the hearing, they will have to swear or affirm that they will tell the truth.

At a hearing, the applicant goes first and explains its proposed project. The interveners state their support or opposition to the project in detail. For example, a natural gas company (the applicant) may wish to drill a well. People living near the well (the interveners) are able to tell the Board how the proposed well will affect them. The parties may cross-examine each other on their submissions filed with the Board before the hearing. New evidence, not originally discussed in the party's submission, should not be introduced during the hearing, as it is unfair to the other parties. If this is done, a party may complain and ask that the Board disallow the evidence. The evidence may be disallowed or the hearing may be adjourned in order to give the parties time to review the new evidence.

A court reporting service is hired for each hearing to ensure that the hearing is recorded. Transcripts of the hearing may be purchased from the court reporting service and are available for viewing at EUB Information Services, 640 - 5 Avenue SW, Main Floor, Calgary, and may also be available at an EUB Field Centre near the site of the proposed project.

9.2 Time and Location of the Hearing

The Board attempts to accommodate each party's needs when scheduling a hearing. Hearings can last anywhere from one day to several weeks, depending on the complexity of issues and the number of interveners. Hearings are usually held in a public hall or meeting room close to the proposed project and the community where the majority of interveners live. When public hearings are not held locally, "local interveners" (see Section 11) may be reimbursed for reasonable travel expenses to the site of the hearing.

9.3 Role of EUB Staff

EUB staff at a hearing ensure that an application is complete and that all the submitted evidence is before the Board panel. This is done through questioning of the participants. Staff also provide advice to the Board on matters such as engineering, science, geology, public safety, site selection, emergency response planning, finance, and economics. Staff members do not play an adversarial role and do not oppose or support either the applicant or any intervener. Sometimes, in exceptional cases, EUB staff may make submissions to the Board advocating a particular position and may act as a participant at a hearing. If this occurs, the Board panel is assisted by separate staff.

An EUB lawyer, also present at a hearing, has two main functions: to advise the Board on legal matters, procedure, and evidence and to question, with the assistance of other EUB staff, the applicant's and interveners' witnesses to ensure that relevant evidence is before the Board in order for it to arrive at a decision. The Board lawyer is also available to provide participants with information regarding procedure.

10 The Conduct of the Hearing

10.1 Role of the Hearing Panel

A hearing panel is usually a group of three Board Members who are selected by the EUB to conduct a hearing. If the hearing is an examiner hearing, the panel consists of three examiners (see Section 10.9). The panel maintains conduct of the hearing and ensures a fair process, allowing all participants to fully participate at the hearing. The panel reviews all evidence submitted as part of the decision-making process. The decision makers can only make a decision on the evidence before them.

10.2 Opening Remarks

The hearing process begins with the chair of the panel making brief opening remarks. The chair then explains the purpose of the hearing and introduces the members of the panel, as well as the EUB staff. (See Appendix 3 for a flowchart of the oral hearing process.)

Following that, all participants or their representatives in the hearing are required to register an appearance, coming forward and introducing themselves, beginning with the applicant and then each participant who has sent in a written submission to the Board. Generally, parties will have lawyers representing them. Persons who have not filed written submissions in advance may ask the Board to be allowed to participate in the hearing. It is the Board's expectation that those who wish to participate actively at the hearing abide by the *Rules of Practice* and file the necessary submissions in advance of the commencement of the hearing. A person who has not complied with the *Rules of Practice* may be denied permission to participate at a hearing.

10.3 Preliminary Matters

Following registration, the Board asks if any of the participants have any preliminary issues for the Board to address. Preliminary issues generally deal with legal or procedural matters, such as an adjournment request or the scheduling of a specific witness at a specific time. Participants may want to identify any difficulties they may have in regard to the scheduling of their presentation due to employment or other commitments. The issue of scheduling or other issues should be brought to the Board's attention at this time or be explained to the Board's lawyer prior to commencement of the hearing. The Board may give a decision on a preliminary issue that day or at a later time.

10.4 Presentation of Application

Once any preliminary issues have been dealt with, the applicant then presents its case. The applicant's documents are entered in the record as exhibits, and its witnesses swear or affirm that they will tell the truth and then give evidence in support of the application. Often, the applicant's witnesses sit as a panel. The lawyer for the applicant asks the applicant's witnesses questions; this process is called examination-in-chief.

When the applicant's witnesses finish giving testimony, the interveners are able to ask questions of the witnesses; this is called cross-examination. Cross-examination may be used to clarify evidence or discredit the other side's witnesses through questioning. It is not the time for interveners to give their testimony. Following cross-examination by the interveners, the EUB staff and members of the Board panel may ask questions of the witnesses.

Once cross-examination of the witnesses is finished, the applicant has the opportunity to question its witnesses again to clarify evidence raised during cross-examination. This practice is called redirect examination.

10.5 Presentation of Intervention(s) and Rebuttal Evidence by Applicant

In the next stage of the hearing, interveners present their cases in the same order in which they registered. To give evidence, an intervener must swear or affirm to give evidence truthfully. Documents relevant to the intervener's case are entered as exhibits. After the intervener gives direct evidence, the lawyer for the applicant may cross-examine, followed by the other interveners who wish to cross-examine. The intervener may then be examined by EUB staff and the members of panel. Following cross-examination, the intervener is entitled to clarify any matters that arose during the cross-examination. Once this process is completed with each of the interveners and their witnesses, the applicant may give evidence in response to issues raised by interveners; this is called rebuttal.

10.6 Final Argument

After rebuttal evidence is given, all participants have the opportunity to submit their final arguments to the Board. Final argument is normally given orally but may also be given in written format. If final argument is to be oral, the applicant goes first, followed by the interveners. The applicant is then given an opportunity to reply to the interveners' final arguments. Argument is intended to summarize evidence, highlight the important aspects of the issues, state what the Board's decision should be regarding the application, and give supporting reasons.

10.7 Closing of Hearing

Following final argument, the chair usually announces that the hearing is completed and that the decision of the panel and the reasons for it will be given at a later date. The panel reserves its decision, because it needs time to carefully consider all the evidence and argument. Within 90 days of the close of the hearing, a decision report is written and distributed to all the participants. A hearing is considered closed after the Board has heard or received final argument or, in cases where the Board requests the filing of additional evidence, when the last of the evidence is filed. If the hearing was before an examiner panel, then that panel makes its report and recommendations to the Board, and the Board then makes a decision regarding the application.

Decision reports are available to the public on the EUB's Web site at <www.eub.gov.ab.ca> and from EUB Information Services, 640- 5 Avenue SW, Main Floor, Calgary, Alberta.

10.8 The Written Hearing

In some cases, depending on the concerns raised and the timing of the project, the Board may decide to hold a written hearing. The circumstances are outlined in Section 26(3) of the Energy Resources Conservation Act.

10.9 The Examiner Hearing

On occasion, the EUB may appoint examiners, usually senior EUB staff, to conduct hearings. After an examiner hearing, the examiners submit a report in which they make recommendations to the Board in regard to the application. On the basis of that report, the Board makes a decision on the application. In this guide, a Board panel and an examiner panel are both referred to as a "Board" panel.

The typical experience of an intervener is described:

On September 6, 2002, John and Martha attended the EUB hearing into ABC Company's application. First the witnesses for ABC Company gave evidence in support of the application. Then John and Martha had the opportunity to ask the witnesses questions. Eventually, they were able to give their own evidence regarding their concerns about the pipeline. They were then asked questions by the company, other interveners, EUB staff, and the Board panel during cross-examination. Dr. Schneider attended the hearing as a witness for the Smiths and gave evidence in support of their concerns. Once questioning ended, John and Martha were able to summarize their evidence during final arguments. Following final arguments, the chair of the Board panel closed the hearing to any further evidence and explained that a final decision would be rendered within 90 days. Within 2 ½ months of the hearing, the Board's decision was handed down.

11 Costs

If you participate as an intervener in a hearing, you may make a request to the Board that the costs you have incurred with respect to your intervention be paid by the applicant. The Board then determines whether you are eligible to have your costs paid and what costs are eligible.

Only those persons determined by the Board to be "local interveners" are eligible to recover costs incurred for the preparation and presentation of an intervention at a public hearing before the Board. Section 28(1) of the Energy Resources Conservation Act defines the term "local intervener" as follows:

> 28(1) In this section, "local intervener" means a person or a group or association of persons who, in the opinion of the Board,
> (a) has an interest in, or
> (b) is in actual occupation of or is entitled to occupy
> land that is or may be directly and adversely affected by a decision of the Board in or as a result of a proceeding before it, but, unless otherwise authorized by the Board, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resource.

If potential interveners are unsure whether they qualify as local interveners, they may request that the Board make an advance determination of local intervener status. Sometimes the Board is unable to determine local intervener status until it has the opportunity to consider the evidence presented at a hearing. In such situations, the Board will advise applicants in a timely fashion that an advance determination cannot be made.

When determining the amount of a local intervener cost award, the Board recognizes all those expenses incurred by the local intervener that it considers reasonable and directly and necessarily related to the preparation and presentation of the intervention. Costs such as legal fees, consultant fees, accommodations, and meals may be approved in an amount the Board deems reasonable.

The Board's usual practice is to acknowledge only those costs incurred after the EUB has issued a notice of hearing. Until that time, there is no certainty that a hearing will be held. The Board recognizes, however, that it is sometimes necessary for local interveners to incur costs prior to the notice and that such costs may be reasonable and be directly and necessarily related to the intervention in question. Occasionally, if a notice of hearing has been issued, the Board may approve an advance on costs before a hearing commences.

To learn more about costs and whether you are eligible to have your costs paid, see *Guide 31A: Guidelines for Energy Costs Claims,* which is available on the EUB Web site and from Information Services.

12 Review and Appeal Process

12.1 Review of the Board's Decision

Once the Board issues its decision, it is final. However, the Board has authority to review any decision, order, licence, or approval that it has made on its own initiative or at the request of an affected person or party. This is called a review and variance request. Two types of review process exist for decisions of the Board.

The first process relates to decisions of the Board that are made without the participation of a directly affected party. This may occur when the Board makes a decision without holding a hearing or if a hearing is held and a directly affected person is not provided notice of the hearing. The affected party may have inadvertently missed notice of the hearing. In these situations, the directly affected person must apply to the Board in writing within 30 days of the issuance of the decision. If the Board determines that the person requesting the review is affected by the decision, it must hold a public hearing. In this situation, the affected person may also ask the Board to suspend the order or decision of the Board until a decision on the review is made.

However, the person who may be directly and adversely affected by such a decision may want to make a review request. The person must explain the manner in which he or she is potentially directly and adversely affected by the decision. An opportunity is then given to the other side to respond. In this case, the Board determines whether the person requesting the review has demonstrated that he or she may be directly and adversely affected by the decision in question.

The second process relates to any decision of the Board, and there is no time limit for requesting such a review. In response to such review requests, the Board has adopted a two-step process: first, the Board determines whether the decision in question should be reviewed, and second, if the Board grants the review, a hearing on the merits is conducted either orally or by written submission.

Prior to making a decision on the first step, the Board asks persons who have an interest in the review request to provide comments or submissions on whether the review request should be granted or dismissed. In general, it is the holder of the licence or approval that will be asked for comments and will respond. The Board then gives you an opportunity to reply to any comments received by the Board on your review request. The Board may ask for additional information or submissions.

The Board then reviews the information received. In making a decision on whether to grant or dismiss the review request, the Board considers whether you have raised

- new facts or evidence that could lead the Board to materially vary the decision, order, licence, or approval; or
- a legal or factual error in the decision or order that raises a substantial doubt as to the correctness of the Board's decision.

The Board grants a review request if it is of the opinion that a person has raised either of these points.

All review requests should be in the form of a letter and should contain details about the decision, order, licence, or approval in question, your reasons for requesting the review, and the decision you are asking the Board to make on your review request.

Further details on review applications are in the *Rules of Practice,* Part 4: Review and Rehearing.

12.2 Appeal of the Board's Decision to the Courts

If you intend to appeal a decision of the Board to the courts, you most likely will want to hire a lawyer. Appeals of a Board decision must be made to the Alberta Court of Appeal and be based on questions of jurisdiction and law. First, you must make an application for leave to appeal within 30 days after the Board's decision is issued, and permission to appeal the decision must be obtained from a single judge of the Court of Appeal. If permission is granted, a full panel of the Court of Appeal will then hear the appeal.

Decisions of the Court of Appeal may be appealed, with permission or leave from the Supreme Court of Canada, to the Supreme Court. If permission is granted, a full panel of the Supreme Court will hear the appeal.

Appendix 1 Types of Facilities and Developments to Which This Guide Applies*

Facility Applications
Acid gas disposal well (also Resource Application)
Battery
Central processing facility
Coal processing plant (also Resource Application)
Compressor station
Crude bitumen well (also Resource Application)
Custom treating plant
Dehydrator
Disposal well (also Resource Application)
Gas flaring permit
Gas well
Oil well
Oilfield waste management facility
Pipeline
Processing plant
Produced water disposal plant
Produced water-injection plant
Satellite facility
Scrubbing plant
Separator facility
Tank farm
Treater facility
Waste processing and disposal facility

Resource Applications
Acid gas disposal well (also Facility Application)
Coalbed methane well or project
Coal processing plant (also Facility Application)
Common carrier/processor/purchaser
Compulsory pooling
Concurrent production
Crude bitumen well (also Facility Application)
Disposal well (also Facility Application)
Enhanced recovery
Holding units
Industrial development permit
Mine site
Miscible flood injection plant
Oil sands site
Production controls
Special drilling spacing unit
Underground gas storage

Utility Development Applications
Electric power generating plant
Electric substation
Electric transmission line
Hydro developments (i.e., dams or weirs)
Industrial system designation

* These lists are not exhaustive.

Appendix 2 For Further Information

If you have questions regarding EUB hearings or alternatives to the formal hearing process, contact the EUB Law Branch at (403) 297-8259.*

You may contact other staff of the EUB at
Alberta Energy and Utilities Board
640 - 5 Avenue SW
Calgary, Alberta T2P 3G4
Telephone: (403) 297-8311*

The EUB also has Field Centres throughout the province. You may contact field staff at the centre nearest you:

Bonnyville	(780) 826-5352
Drayton Valley	(780) 542-5182
Fort McMurray (suboffice)	(780) 743-7214
Grande Prairie	(780) 538-5138
High Level (suboffice)	(780) 926-5399
Medicine Hat	(403) 527-3385
Midnapore	(403) 297-8303
Red Deer	(403) 340-5454
St. Albert	(780) 460-3800
Wainwright	(780) 842-7570

* To call toll free from anywhere in Alberta, dial 310-0000 and enter the phone number, including area code, or press zero for a Rite operator.

The following EUB documents are available free of charge on the EUB Web site at <www.eub.gov.ab.ca>. They are also available in print, some at cost, from

Alberta Energy and Utilities Board
Information Services
640 - 5 Avenue SW
Calgary, Alberta T2P 3G4
Telephone: (403) 297-8311*

To see the most up-to-date, complete list of EUB publications, visit the EUB Web site at <www.eub.gov.ab.ca>.

EUB Guides Dealing with Applications

Guide 2: How to Apply for Government Approval of Coal Projects in Alberta

Guide 17-1: Transmission Lines and the Regulatory Process in Alberta

Guide 23: Guidelines Respecting an Application for a Commercial Crude Bitumen Recovery and Upgrading Project

Guide 25: Industrial Development Permit Applications to the ERCB—A Guide to Content

Guide 28: Applications for Power Plants, Substations, and Transmission Lines

Guide 34: Guidelines for Automated Measurement System Applications

Guide 51: Injection and Disposal Wells, Well Classifications, Completion, Logging and Testing Requirements

Guide 56: Energy Development Application Guide

Guide 58: Oilfield Waste Management Requirements for the Upstream Petroleum Industry

Guide 60: Upstream Petroleum Industry Flaring Guide; and *Updates and Clarification to Guide 60, February 2001*

Guide 62: Responding to Public Concerns about Oil and Gas in Alberta (to be revised and renamed in spring 2003)

Guide 65: Resources Applications for Conventional Oil and Gas Reservoirs

Guide 67: Identification Code and Agent Registration

Guide 69: Energy Development Licence Transfer

Other EUB Documents

Participant Involvement in the Development of Energy Resources: Requirements and Expectations (to be issued as an interim directive in spring 2003; prior to that, a draft is available on the EUB Web site <www.eub.gov.ab.ca>)

Guide 31A: Guidelines for Energy Cost Claims

Informational Letter (IL) 96-7: EUB/AEP Memorandum of Understanding on the Regulation of Oil Sands Developments

Informational Letter (IL) 2001-1: Appropriate Dispute Resolution (ADR) Program and Guidelines for Energy Industry Disputes

Rules of Practice

Other Departments and Agencies to Help You

Alberta Environment

Alberta Environment administers environmental legislation, policies, and programs to ensure the protection, enhancement, and wise use of Alberta's environmental resources. Contact the department at

Petroleum Plaza, South Tower
9915 - 108 Street
Edmonton, Alberta T5K 2G8
Telephone: 1-877-944-0313 (General Information)
1-800-222-6514 (Emergency/Complaint)
Web site: <www3.gov.ab.ca/env/>

Alberta Department of Energy

The department has responsibility for a diverse resource development portfolio that includes natural gas, conventional oil, oil sands, petrochemicals, electricity, coal, and minerals. Among other things, the department is responsible for issuing Crown mineral rights. The Department of Energy's reception can be contacted at

7th Floor, Petroleum Plaza, North Tower
9945 - 108 Street
Edmonton, Alberta T5K 2G6
Telephone: (780) 427-7425*
Web site: < www.energy.gov.ab.ca>

For information products and services, the Energy Information Centre sells Crown Surface and Crown Mineral reports, permits, licences, and maps and distributes energy reports, publications, and business forms. You can contact the Information Centre at

3rd Floor, Monenco Place
801 - 6 Avenue SW
Calgary, Alberta T2P 3W2
Telephone: (403) 297-6324*
Web site: <www.energy.gov.ab.ca> under Department Service/Information Products

Alberta Municipal Affairs

The Local Government Services Division of Alberta Municipal Affairs can assist the public with general information on assessment, land-use planning, and municipal operations. For information on assessment practices and procedures in Alberta generally, contact

Assessment Services
Alberta Municipal Affairs
15th Floor, Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4
Telephone: (780) 427-2345

For general information on land-use planning and municipal operations, contact

Municipal Services
Alberta Municipal Affairs
17th Floor, Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4
Telephone: (780) 427-2225
Web site: <www3.gov.ab.ca/ma/about_us/LGS.cfm >

If you have specific questions regarding the assessment of specific parcels of land in a municipality or specific land-use policies and approval requirements, please contact your local municipality.

The Emergency Management Branch of the Public Safety Services Division of this ministry develops and carries out a provincewide program to help municipalities and the province respond effectively to disasters and major emergencies. Emergency Management Alberta also requires municipalities to have an emergency management program and organization. It deals with prevention, preparedness, response, and recovery to major emergencies and disasters. The branch assists with the developing, testing, and validating of emergency plans. It also helps municipalities deal with actual emergencies. For information about emergency planning, emergency plans or projects in Alberta, contact

16th Floor, Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4
Telephone: (780) 422-9000*
Web site: <www3.gov.ab.ca/ma/ds/index.cfm>

Alberta Sustainable Resource Development

This ministry is responsible for the administration of public land in Alberta, including all industrial surface access to natural resources. The ministry is also responsible for the management of fish, wildlife, and forests. Contact Sustainable Resource Development at

Main Floor, 9920 - 108 Street
Edmonton, Alberta T5K 2M4
Telephone: (780) 944-0313*
Web site: < www3.gov.ab.ca/srd/>

Surface Rights Board

The Surface Rights Board deals with compensation for surface access for oil and gas activities and the construction and operation of power transmission and telephone lines. It conducts periodic rent reviews of Surface Rights Board orders and surface leases. It has limited authority to award compensation for damages arising from the operations of a party to a lease or board order. Contact the Surface Rights Board at

18th Floor, 10020 - 101A Avenue
Edmonton, Alberta T5J 3G2
Telephone: (780) 427-2444*

The Farmers' Advocate

The Farmers' Advocate office can provide assistance in the resolution of disputes and can provide timely information to the farming community on matters of concern. The Farmers' Advocate can also provide information on subjects such as surface rights, seismic activity, mineral leasing, trespass, and other topics that may be of concern to the agricultural community. Contact the Farmer's Advocate at

Room 305, 7000 - 113 Street
Edmonton, Alberta T6H 5T6
Telephone: (780) 427-2433*
Web site: <www.agric.gov.ab.ca/navigation/agencies/farmersadvocate/index.html>

The Registrar of Land Agents

Agreements for interests in land that are subject to a right-of-entry order or expropriation must be negotiated by a land agent licensed under the Land Agents Licensing Act. A

copy of the act may be viewed at <www.qp.gov.ab.ca/documents/acts/L02.cfm>. Typically these agreements are for drilling and mining operations, laying of pipelines, construction of power lines, and construction of roads. If you have any concerns about the way you have been treated by a land agent, contact the Registrar of Land Agents on line at <www3.gov.ab.ca/hre/lal/contact/lal_question.asp> or at

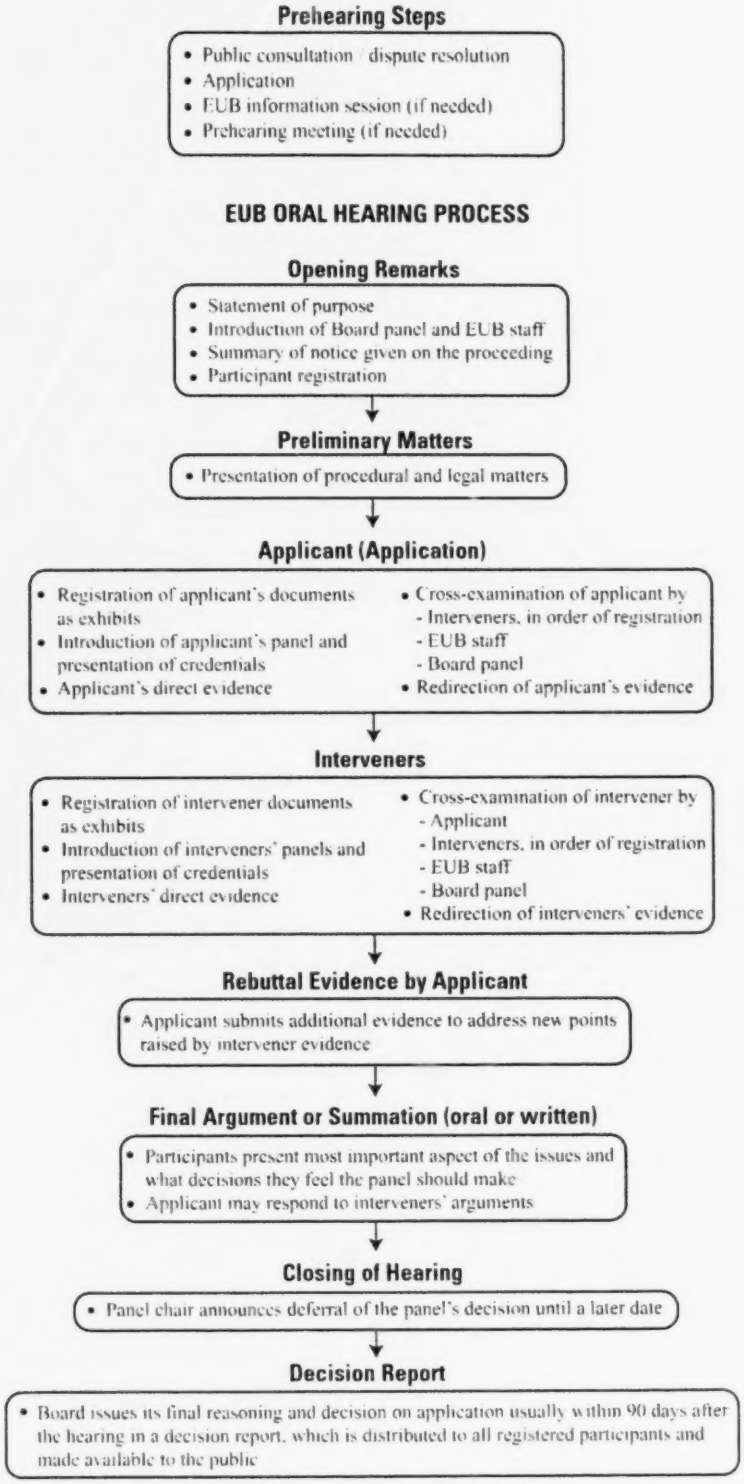
Alberta Human Resources and Employment
Land Agents Licensing
12th Floor, Seventh Street Plaza - South Tower
10030 - 107 Street
Edmonton, Alberta T5J 3E4
Phone: (780) 415-4619
Fax: (780) 422-7173
Web site: <www.gov.ab.ca/hre/lal>

Trapper Compensation Program

The Trapper Compensation Program is administered by the Alberta Trappers' Association to help trappers when they are negatively affected by the activities of other resource users on Crown lands. The Trapper Compensation Board has been appointed to review claims that cannot be resolved through direct negotiations. For more information, contact

Alberta Trappers' Association
#2, 9919 - 106 Street
Westlock, Alberta T7P 2K1
Telephone: (780) 349-6626
Web site: <www.albertatrappers.com>

Appendix 3 EUB Oral Hearing Process Flowchart


Prehearing Steps
• Public consultation / dispute resolution
• Application
• EUB information session (if needed)
• Prehearing meeting (if needed)
EUB ORAL HEARING PROCESS
Opening Remarks
• Statement of purpose
• Introduction of Board panel and EUB staff
• Summary of notice given on the proceeding
• Participant registration
Preliminary Matters
• Presentation of procedural and legal matters
Applicant (Application)
• Registration of applicant's documents as exhibits
• Introduction of applicant's panel and presentation of credentials
• Applicant's direct evidence
• Cross-examination of applicant by
- Interveners, in order of registration
- EUB staff
- Board panel
• Redirection of applicant's evidence
Interveners
• Registration of intervener documents as exhibits
• Introduction of interveners' panels and presentation of credentials
• Interveners' direct evidence
• Cross-examination of intervener by
- Applicant
- Interveners, in order of registration
- EUB staff
- Board panel
• Redirection of interveners' evidence
Rebuttal Evidence by Applicant
• Applicant submits additional evidence to address new points raised by intervener evidence
Final Argument or Summation (oral or written)
• Participants present most important aspect of the issues and what decisions they feel the panel should make
• Applicant may respond to interveners' arguments
Closing of Hearing
• Panel chair announces deferral of the panel's decision until a later date
Decision Report
• Board issues its final reasoning and decision on application usually within 90 days after the hearing in a decision report, which is distributed to all registered participants and made available to the public